



PAUL J. PASCUZZI, State Bar No. 148810  
JASON E. RIOS, State Bar No. 190086  
THOMAS R. PHINNEY, State Bar No. 150425  
FELDERSTEIN FITZGERALD WILLOU  
PASCUZZI & RIOS LLP  
500 Capitol Mall, Suite 2250  
Sacramento, CA 95814  
Telephone: (916) 329-7400  
Facsimile: (916) 329-7435  
Email: ppascuzzi@ffwplaw.com  
jrios@ffwplaw.com  
tphinney@ffwplaw.com

Signed and Filed: October 20, 2023

*Dennis Montali*

DENNIS MONTALI  
U.S. Bankruptcy Judge

ORI KATZ, State Bar No. 209561  
ALAN H. MARTIN, State Bar No. 132301  
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP  
A Limited Liability Partnership  
Including Professional Corporations  
Four Embarcadero Center, 17<sup>th</sup> Floor  
San Francisco, California 94111-4109  
Telephone: (415) 434-9100  
Facsimile: (415) 434-3947  
Email: okatz@sheppardmullin.com  
amartin@sheppardmullin.com

Attorneys for The Roman Catholic Archbishop of  
San Francisco

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

In re

THE ROMAN CATHOLIC ARCHBISHOP  
OF SAN FRANCISCO,

Debtor and  
Debtor in Possession.

Case No. 23-30564

Chapter 11

**FINAL ORDER GRANTING DEBTOR'S  
EMERGENCY MOTION AND  
(1) PROHIBITING UTILITY COMPANIES  
FROM ALTERING, REFUSING OR  
DISCONTINUING SERVICE,  
(2) DETERMINING ADEQUATE  
ASSURANCE OF PAYMENT FOR POST-  
PETITION UTILITY SERVICES UNDER 11  
U.S.C. § 366, (3) ESTABLISHING  
PROCEDURES FOR DETERMINING  
ADEQUATE ASSURANCE OF PAYMENT**

Date: September 14, 2023  
Time: 1:30 p.m.  
Location: Via ZoomGov

Judge: Hon. Dennis Montali

1 The emergency motion of The Roman Catholic Archbishop of San Francisco's ("RCASF")  
2 or "Debtor"), for an order (1) prohibiting Utility Companies<sup>1</sup> from altering, refusing or  
3 discontinuing service; (2) determining that the debtor's furnishing of deposits to Utility Companies  
4 listed on Exhibit 2 (appended to the Motion) in an amount that represents 50% of the Debtor's  
5 estimated average monthly usage over the past twelve months of such utility respectively constitutes  
6 adequate assurance of payment; (3) establishing procedures for assurance requests by the affected  
7 utilities and for determining adequate assurance of payment; and (4) scheduling a final hearing [ECF  
8 No. 8] (the "Motion"), came on for hearing on September 14, 2023, at 1:30 p.m. (the "Second Day  
9 Hearing"), before the Honorable Dennis Montali for the United States Bankruptcy Court for the  
10 Northern District of California. The Debtor appeared through its counsel, Paul J. Pascuzzi of  
11 Felderstein Fitzgerald Willoughby Pascuzzi & Rios LLP and Ori Katz of Sheppard, Mullin, Richter  
12 & Hampton LLP. All other appearances were as noted on the record.

13 After the Second Day Hearing, counsel of record for the Debtor, the Official Committee of  
14 Unsecured Creditors of the Debtor (the "Committee"), and Tracy Hope Davis, United States Trustee  
15 for Region 17 (the "UST," and collectively with the Debtor and the Committee, the "Parties"), met  
16 and conferred regarding the relief requested by the Motion and the Debtor and the Committee have  
17 stipulated to entry of a final order on the Motion, as noted in that *Stipulation to (1) Vacate Final*  
18 *Hearing on Resolved First Day Motions and (2) Continue Final Hearing on Debtor's Emergency*  
19 *Motions Regarding (A) Existing Cash Management System and Related Relief; and (B) Payment*  
20 *and Honoring of Prepetition Wages, Salaries, and Employee Expenses, and Related Obligations*  
21 [ECF No. 179] filed on October 3, 2023 (the "Stipulation"). The UST does not oppose entry of a  
22 final order on the Motion.

23 The Court having considered the Motion, the Passarello Background Decl., the Passarello  
24 Decl., and the Gaspari Decl. filed in support of the Motion, and the representations of counsel  
25 reflected in the record of the hearing and in the Stipulation, and the Court having found that it has  
26

27 \_\_\_\_\_  
28 <sup>1</sup> Capitalized terms not otherwise used in this Order shall have the same meanings ascribed to them  
in the Motion.

1 jurisdiction over this proceeding, which is a core proceeding; that notice given of the Motion was  
2 appropriate under the facts and circumstances of this Bankruptcy Case; that the relief sought in the  
3 Motion is in the best interests of the Debtor, its estate, and its creditors; and that good and sufficient  
4 cause exists for such relief,

5 IT IS ORDERED that:

6 1. The Motion is GRANTED, on a final basis, as provided herein.

7 2. The Debtor is authorized, but not required, to timely remit payments for undisputed  
8 invoices for post-petition services by the Utility Companies in accordance with the Debtor's  
9 prepetition practices.

10 3. Within ten court days of the receipt by the Debtor or its bankruptcy counsel of a  
11 written request from a Utility Company for adequate assurance under the Bankruptcy Code, the  
12 Debtor will provide each Utility Company a cash deposit (the "Deposit") in an amount equal to 50%  
13 of the Debtor's estimated monthly cost of its utility consumption from each Utility Company. If a  
14 Utility Company provides the Debtor with services under multiple accounts, then the Debtor may  
15 provide that Utility Company with one deposit that equals 50% of the aggregate estimated monthly  
16 usage under all of the Debtor's accounts with that Utility Company.

17 4. Except in accordance with the procedures set forth herein, and absent further order  
18 of the Court, each Utility Company is prohibited from (a) altering, refusing, or discontinuing utility  
19 services solely on the basis of the commencement of Debtor's case under the Bankruptcy Code or  
20 on account of any unpaid prepetition invoice for utility services, and (b) requiring the payment of  
21 any additional deposit or other security to the Utility Companies for the continued provision of  
22 utility services.

23 5. If a Utility Company is not satisfied with the assurance of future payment provided  
24 by the Debtor, the Utility Company must serve upon counsel for the Debtor a written request for  
25 adequate assurance ("Assurance Request"), setting forth (i) the location and account number(s) for  
26 which utility services are provided; (ii) the outstanding balance on the account and a summary of  
27 the Debtor's payment history; (iii) the reasons why the Deposit does not constitute satisfactory  
28

1 adequate assurance of payment; and (iv) a proposal of what the Utility Company would constitute  
2 satisfactory adequate assurance of payment.

3         6.       The Assurance Request must be received by the Debtor's counsel, Felderstein  
4 Fitzgerald Willoughby Pascuzzi & Rios LLP, 500 Capitol Mall, Suite 2250, Sacramento, California  
5 95814 (Attention: Paul J. Pascuzzi) within 45 calendar days of the date a Final Order granting the  
6 Motion is served upon the Utility Company making the Assurance Request.

7         7.       Without further order of the Court, the Debtor may enter into agreements granting  
8 additional adequate assurance to a Utility Company serving an Assurance Request, if the Debtor, in  
9 its discretion, determines that the request is reasonable.

10        8.       If the Debtor determines that an Assurance Request is unreasonable, then the Debtor  
11 shall, within 21 days of receipt of such Assurance Request, file a motion ("Determination Motion")  
12 pursuant to Bankruptcy Code section 366(c)(3) seeking a determination from the Court that the  
13 Deposit, plus any additional consideration offered by Debtor, constitutes adequate assurance of  
14 payment and set the Determination Motion for hearing on shortened time. Pending notice and a  
15 hearing on the Determination Motion, the Utility Company that is the subject of the unresolved  
16 Assurance Request may not alter, refuse, or discontinue services to the Debtor or recover or setoff  
17 against a prepetition deposit.

18         9.       Nothing set forth herein is intended to, nor shall it, modify or alter the burdens of  
19 proof in connection with a Determination Motion.

20         10.      Based on the establishment of the Deposit, a Utility Company will be deemed to have  
21 adequate assurance of payment unless and until a future order of this Court is entered requiring  
22 further assurance of payment.

23         11.      The Debtor is authorized, in its sole discretion, to amend the list of Utility Companies  
24 attached as Exhibit A to this Order to add or delete any Utility Company. The Debtor shall serve  
25 the amended Exhibit A on any affected Utility Company withing five business days of such  
26 amendment.

12. Nothing in the Motion, this Order or Exhibit A attached to this Order, constitutes a finding that any entity is or is not a utility company hereunder or under section 366 of the Bankruptcy Code.

13. Notwithstanding the relief granted herein and any actions taken pursuant hereto, nothing herein shall be deemed: (i) an admission as to the validity of any claim against the Debtor; (ii) a waiver of the Debtor's rights to dispute any claim on any grounds; (iii) a promise or requirement to pay any claim; (iv) an implication or admission that any particular claim is of a type specified or defined hereunder; (v) a request or authorization to assume any agreement, contract or lease pursuant to section 365 of the Bankruptcy Code; or (vi) a waiver of the Debtor's rights under the Bankruptcy Code or any other applicable law.

14. This Court shall retain jurisdiction over all matters arising from or related to the interpretation or implementation of this Order.

15. The Debtor and its employees and agents are authorized to take or refrain from taking such acts as are necessary and appropriate to implement and effectuate the relief granted herein.

**\*\*\*END OF ORDER\*\*\***

APPROVED AS TO FORM:

Dated: October 17, 2023

PACHULSKI STANG ZIEHL & JONES LLP

By */s/ John W. Lucas*

---

JAMES I. STANG

DEBRA I. GRASSGREEN

JOHN W. LUCAS

## Proposed Attorneys for the Official Committee of Unsecured Creditors

Dated: October 17, 2023

TRACY HOPE DAVIS, UNITED STATES TRUSTEE FOR  
REGION 17

By */s/ Jason Blumberg*

---

---

JASON BLUMBERG

Trial Attorney for the United States Trustee

**EXHIBIT A**

**LIST OF UTILITY COMPANIES AND ACCOUNTS**

<b>Name and Address of Utility</b>	<b>Type of Service / Account Number</b>	<b>Property Address Where Utility Provided (if applicable)</b>
AT&T PO Box 5025 Carol Stream, IL 60197-5025	mobile phones xxx-xxx-xxxx 1199	N/A
AT&T PO Box 5025 Carol Stream, IL 60197-5025	mobile phones xxx-xxx-xxxx 5618	N/A
AT&T PO Box 5025 Carol Stream, IL 60197-5025	mobile phones xxx-xxx-xxxx 3478	N/A
AT&T PO Box 5025 Carol Stream, IL 60197-5025	mobile phones xxx-xxx-xxxx 5229	N/A
AT&T PO Box 5025 Carol Stream, IL 60197-5025	mobile phones xxx-xxx-xxxx 5558	N/A
AT&T PO Box 5025 Carol Stream, IL 60197-5025	mobile phones xxx-xxx-xxxx 3212	N/A
AT&T PO Box 5025 Carol Stream, IL 60197-5025	mobile phones xxx-xxx-xxxx 1957	N/A
California Water Service Co PO Box 4500 Whittier, CA 90607-4500	water 2117xxxxxx	455 W 20th Ave San Mateo
Comcast PO Box 60533 City of Industry, CA 91716-0533	cable TV 1131	455 W 20th Ave San Mateo
Pacific Gas and Electric PO Box 997300 Sacramento, CA 95899-7300	electric 4627-4	1 Peter Yorke Way San Francisco

<b>Name and Address of Utility</b>	<b>Type of Service / Account Number</b>	<b>Property Address Where Utility Provided (if applicable)</b>
Pacific Gas and Electric PO Box 997300 Sacramento, CA 95899-7300	gas 2298-6	1 Peter Yorke Way San Francisco
Pacific Gas and Electric PO Box 997300 Sacramento, CA 95899-7300	electric 2167-8	1600 Van Ness Ave San Francisco
Pacific Gas and Electric PO Box 997300 Sacramento, CA 95899-7300	gas 6967-0	1600 Van Ness Ave San Francisco
Pacific Gas and Electric PO Box 997300 Sacramento, CA 95899-7300	gas 4942-2	320 Middlefield Rd Menlo Park
Pacific Gas and Electric PO Box 997300 Sacramento, CA 95899-7300	electric 8677-4	320 Middlefield Rd Menlo Park
Pacific Gas and Electric PO Box 997300 Sacramento, CA 95899-7300	gas 8857-9	455 W 20th Ave San Mateo
Pacific Gas and Electric PO Box 997300 Sacramento, CA 95899-7300	gas & electric 1695-5	5618 California St San Francisco
Recology Golden Gate 250 Executive Park Blvd. Suite 2100 San Francisco, CA 94134-3306	trash collection 2405	1 Peter Yorke Way San Francisco
Recology Golden Gate 250 Executive Park Blvd. Suite 2100 San Francisco, CA 94134-3306	trash collection 1315	5618 California St San Francisco
Recology San Mateo PO Box 848268 Los Angeles, CA 90084-8268	trash collection 4057	455 W 20th Ave San Mateo
San Francisco Water, Power & Sewer PO Box 7369 San Francisco, CA 94120-7369	water 5713xxxxxx	1 Peter Yorke Way San Francisco

<b>Name and Address of Utility</b>	<b>Type of Service / Account Number</b>	<b>Property Address Where Utility Provided (if applicable)</b>
San Francisco Water, Power & Sewer PO Box 7369 San Francisco, CA 94120-7369	fire service 4473xxxxxx	1 Peter Yorke Way San Francisco
San Francisco Water, Power & Sewer PO Box 7369 San Francisco, CA 94120-7369	water 9298xxxxxx	1600 Van Ness Ave San Francisco
San Francisco Water, Power & Sewer PO Box 7369 San Francisco, CA 94120-7369	water 5494xxxxxx	5618 California St San Francisco
TPx Communications PO Box 509013 San Diego, CA 92150-9013	telephone 8844	1 Peter Yorke Way San Francisco
Verizon Wireless PO Box 660108 Dallas, TX 75266-0108	internet access 9798-xxxxx	1 Peter Yorke Way San Francisco



Court Service List

Registered ECF Participants only.